IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23844 of 2004

Between:

D. Sambasiva Rao, S/o. Subaiah,
Irukupalem Village, Muppalla Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in not completing the enquiry and passing of final orders as directed by the 1st respondent in A.C.D. Dis No. 19/2004-S7, dt. 09. 09.2004 as illegal arbitrary and consequently set aside the orders of the proceedings of the 2nd respondent in Rc.No. 2425/04/B, dt. 04.06.2004 pending enquiry before the 2nd respondent and to pass such other order or orders.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

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The 2nd respondent passed an order, dated 04.06.2004, suspending the authorisation of the petitioner, on certain allegations. On the same day, he issued a Show-Cause Notice. Aggrieved by the order of suspension, petitioner preferred an appeal before the 1st respondent. Through Order, dated 09.09.2004, the 1st respondent remanded the matter to the 2nd respondent and directed him to conclude the proceedings, positively, within one week from the date of receipt of the order and to report compliance. Petitioner states that the 2nd respondent has not disposed of the proceedings as yet and that he is disabled from functioning as fair price shop dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended, way back on 04.06.2004. The 1st respondent refused to interfere with the same when the appeal was preferred by the petitioner. Instead, he has chosen to direct the 2nd respondent to conclude the proceedings 'positively within one week'. If the allegation of the petitioner that the 2nd respondent has not passed any orders as yet, it reflects sadly on the functioning of the office of the 2nd respondent. This Court is not inclined to verify and examine the reasons, if any, for non-compliance with the specific directions issued by the 1st respondent.

Further, a Division Bench of this Court in ***THE JOINT COLLECTOR, KURNOOL V. A.NEELIMA*** held that the maximum period of suspension of the authorization of a dealer can be ninety (90) days, and consequentially, if the proceedings are not concluded by the Revenue Divisional Officer, within that period, the suspension has to be revoked or set aside.

For the foregoing reasons, the writ petition is allowed and the order, dated 04.06.2004, passed by the 2nd respondent suspending the authorisation of the petitioner is set aside, and the petitioner shall be entitled to function as fair price

shop dealer. It shall, however, be open to the 2nd respondent to pass final orders in the proceedings initiated against the petitioner. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21st December, 2004

Note: Office to furnish copy

In three days.

(B/o.)

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur District.

4 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

5 2 CD copies.